

**PROCEEDINGS OF THE COMMON COUNCIL OF
THE CITY OF RICHMOND, INDIANA,
MONDAY, AUGUST 6, 2007**

The Common Council of the City of Richmond, Indiana met in regular session Monday, August 6, 2007, in the Council Chambers in said City.

PLEDGE OF ALLEGIANCE

PRAYER BY COUNCILOR WELCH

President Pappin presided and the following business was conducted:

ROLL CALL

Councilors present were Howard "Jack" Elstro, Etta Lundy, Bruce Wissel, Karl Sharp, Bing Welch, Larry Parker, Al Glover, Gil Klose and Diana Pappin.

APPROVAL OF MINUTES

Councilor Parker moved to approve the minutes of the meeting of August 6, 2007, with a second by Councilor Welch. Upon a vote *viva voce*, the motion passed.

**PRESENTATIONS, MEMORIALS OR REMONSTRANCES, PETITIONS AND INTRODUCTIONS,
MOTIONS, RESOLUTIONS**

- **RICHMOND FIREFIGHTER APPRECIATION PROCLAMATION** – Mayor Hutton read a Proclamation in honor of the Richmond Firefighter Appreciation Month in conjunction with the Muscular Dystrophy Association for their commitment and service of the "Fill the Boot" Campaign. In 2006, approximately \$11,000 was raised for MDA.

COMMUNICATION FROM THE MAYOR

- The City of Richmond received a thank you from Stephanie Hayes-Mussoni of Cope Environmental Center for the purchase of a hybrid vehicle by Richmond Power and Light.
- The annual hearing to secure funding for Roseview Transit will be announced soon.
- The Richmond Police Department received the Project Safe Neighborhood Grant in the amount of \$22,500.
- Sonia Brock, Superintendent of the Department of Parks and Recreation, received her Certification from the Indiana Parks and Recreation Association.

REPORT FROM BOARD OF PUBLIC WORKS AND SAFETY

Minutes of the July 12, 19 & 26 meetings were accepted as presented.

REPORTS FROM DEPARTMENT HEADS - None

REPORTS FROM STANDING COMMITTEES - None

REPORTS FROM SPECIAL COMMITTEES - None

REPORTS FROM ORGANIZATIONS - None

MISCELLANEOUS BUSINESS

- The Committee of the Whole meeting for the proposed 2008 Budget will be held September 5 at 7 P.M. and the Budget Adoption Hearing will be September 27 at 6:30 P.M. Both meetings will be held in the Council Chambers.

ORDINANCES ON FIRST READING

Councilor Elstro moved to read Ordinance No. 56-2007 in its entirety and to suspend the rules and read Ordinance No. 57-2007 on first reading by title only with a second by Councilor Lundy. Upon a vote viva voce, the motion passed.

ORDINANCE NO. 56-2007 – AN APPROPRIATION ORDINANCE AUTHORIZING THE CITY OF RICHMOND TO RECEIVE A DONATION

The Clerk read Ordinance No. 56-2007 on first reading in its entirety:

WHEREAS, the City of Richmond, Indiana, has the option of accepting or rejecting donations for a specific purpose; and

WHEREAS, the acceptance of a donation for a specific purpose constitutes the appropriation of such property for the intended purpose.

NOW, THEREFORE, be it ordained by the Common Council of the City of Richmond, Indiana, that the following shall be accepted and gratefully acknowledged by the citizens of Richmond:

From First Bank Richmond a donation of Five Hundred Dollars (\$500.00) to be used for sponsorship of the Parks & Recreation Summer Movie Series.

Councilor Wissel moved to advance Ordinance No. 56-2007 to second reading and to suspend the rules and read by title only with a second by Councilor Sharp. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 56-2007 on second reading by title only.

Council President Pappin declared Ordinance No. 56-2007 on second reading and public hearing. There being no comments for or against the Ordinance, Councilor Elstro moved for engrossment of Ordinance No. 56-2007 with a second by Councilor Lundy. Upon a vote viva voce, the motion passed.

Councilor Lundy moved to advance Ordinance No. 56-2007 to third and final reading and suspend the rules and read by title only with a second by Councilor Elstro. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 56-2007 on third reading by title only.

Ordinance No. 56-2007 was adopted with a 9-0 roll call vote.

ORDINANCE NO. 57-2007 – AN APPROPRIATION ORDINANCE AUTHORIZING THE SUBMITTAL, ACCEPTANCE AND APPROPRIATION OF A GRANT FROM THE INDIANA DEPARTMENT OF TRANSPORTATION

The Clerk read Ordinance No. 57-2007 on first reading by title only.

This Ordinance would authorize the City of Richmond, by and through Rose View Transit, to submit a grant application to the Indiana Department of Transportation to assist with operating and capital expenses for Rose View Transit for 2008. The City of Richmond would also be authorized to accept said grant funding in an amount up to Nine Hundred Ninety-Three Thousand Eight Hundred Fifty-Eight Dollars and Zero Cents (\$993,858.00). If awarded, said funds shall be appropriated as follows: a) Eight Hundred Eighty-Nine Thousand Four Hundred Fifty-Eight Dollars and Zero Cents (\$889,458.00) to assist with operating expenses for Rose View Transit for 2008; and b) One Hundred Four Thousand Four Hundred Dollars and Zero Cents (\$104,400.00) to assist with capital improvements for Rose View Transit in 2008. The City would provide up to One Hundred Forty Thousand Dollars and Zero Cents (\$140,000.00) in local funds towards transportation services in 2008.

Councilor Wissel moved to advance Ordinance No. 57-2007 to second reading and to suspend the rules and read by title only with a second by Councilor Sharp. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 57-2007 on second reading by title only.

Council President Pappin declared Ordinance No. 57-2007 on second reading and public hearing. There being no comments for or against the Ordinance, Councilor Elstro moved for engrossment of Ordinance No. 57-2007 with a second by Councilor Lundy. Upon a vote *viva voce*, the motion passed.

Councilor Welch moved to advance Ordinance No. 57-2007 to third and final reading and suspend the rules and read by title only with a second by Councilor Parker. Upon a vote *viva voce*, the motion passed.

The Clerk read Ordinance No. 57-2007 on third reading by title only.

Ordinance No. 57-2007 was adopted with a 9-0 roll call vote.

ORDINANCES ON SECOND READING

ORDINANCE NO. 44-2007 - A SPECIAL ORDINANCE AMENDING THE ZONING MAP FOR A CERTAIN PARCEL FROM R-3 ONE TO EIGHT FAMILY RESIDENCE DISTRICT TO R-3 SPECIAL USE DISTRICT (2035 East Main Street)

The Clerk read Ordinance No. 44-2007 on second reading by title only.

This Ordinance is a petition to rezone the property at 2035 East Main Street from R-3 One to eight Family Residence District to R-3 Special Use District to allow the owner to develop the property as a weekend retreat lodging center in the manner of a bed & breakfast. The Plan Commission voted unanimously to recommend approval of the Special Use rezoning at Public Hearing on July 26.

Council President Pappin declared Ordinance No. 44-2007 on second reading and public hearing. Speaking in opposition was Jennie Cowan, 2015 East Main Street. Ms. Cowan also presented a letter in opposition from Mr. and Mrs. John Zore, owners of the Scrapbooking Cottage at 2031 East Main Street. There being no comments for the Ordinance, Councilor Elstro moved for engrossment with a second by Councilor Welch. Upon a vote *viva voce*, the motion passed. Councilor Lundy suggested amending the Ordinance to include recommendations made by the Plan Commission. Councilor Wissel moved to unengross Ordinance No. 44-21007 with a second by Councilor Parker. Upon a vote *viva voce*, the motion passed.

Councilor Lundy moved to amend the Ordinance to include the following, with a second by Councilor Wissel:

- It is desirable to change the above described real estate's zoning designation to an R-3 Special Use District to be used as a weekend retreat lodging center
- The grading plan for the paved area must be reviewed and approved by the Director of Public Works for drainage approval
- Improved parking will be provided on the site for 14 vehicles
- A sign no larger than 2' x 3' be allowed to be placed in the front yard
- The sign may not be internally illuminated
- A landscape plan must be submitted to the Planning Office which meets the Visual Enhancement guidelines and be installed within six months of the passage of this Ordinance
- Any change of business plan that alters the nature of the business, particular in regard to customer traffic, would require an amendment to this Ordinance
- Because this is a change of occupancy classification, this project will need to be filed with the State of Indiana and would require a local Certificate of Occupancy
- Pursuant to IC 36-7-4-921 these commitments shall be binding upon: 1) the owner of the parcel; 2) a subsequent owner of the parcel; and 3) a person who acquires an interest in the parcel
- In the event that any of the aforementioned restrictions or requirements of the Richmond City Code are not met in full, the Special Use Rezoning is at that moment in violation of the Richmond City Code

Upon a vote *viva voce*, the motion passed.

Councilor Parker moved for engrossment of Ordinance No. 44-2007 as amended with a second by Councilor Wissel. Upon a vote *viva voce*, the motion passed.

Councilor Welch moved to advance Ordinance No. 44-2007 as amended to third and final reading and suspend the rules and read by title only with a second by Councilor Parker. Upon a vote *viva voce*, the motion passed.

The Clerk read Ordinance No. 44-2007 as amended on third reading by title only.

Ordinance No. 44-2007 as amended was adopted with a 9-0 roll call vote.

ORDINANCE NO. 51-2007 – A GENERAL ORDINANCE PROVIDING FOR THE REMOVAL, STORAGE AND DISPOSAL OF ABANDONED VEHICLES WITHIN THE CITY OF RICHMOND BY IMPLEMENTING CERTAIN PROVISIONS OF IC 9-22-1-13

The Clerk read Ordinance No. 51-2007 on second reading by title only.

This Ordinance would amend Section 94.10 and add Section 94.15 to the Municipal Code. These Sections relate to the removal and disposition of abandoned vehicles in the City.

City Attorney Walt Chidester recommended amending Section 94.14(b) to read: *The proceeds of the sale or disposition of any abandoned vehicle, or parts thereof, shall be paid directly to the towing service contracted by the City of Richmond for its unreimbursed towing, storage and disposal expenses of abandoned vehicles, or parts thereof.* Councilor Wissel moved to amend Ordinance No. 51-2007 as recommended by Mr. Chidester, with a second by Councilor Sharp. Upon a vote *viva voce*, the motion passed.

Council President Pappin declared Ordinance No. 51-2007 on second reading and public hearing. There being no comments for or against the Ordinance, Councilor Wissel moved for engrossment of Ordinance No. 51-2007 with a second by Councilor Sharp. Upon a vote *viva voce*, the motion passed.

Councilor Welch moved to advance Ordinance No. 51-2007 to third and final reading and suspend the rules and read by title only with a second by Councilor Parker. Upon a vote *viva voce*, the motion passed.

The Clerk read Ordinance No. 51-2007 on third reading by title only.

Ordinance No. 51-2007 was adopted with a 9-0 roll call vote.

ORDINANCES ON THIRD READING - None

CALL FOR ADJOURNMENT

There being no further business, the meeting was adjourned.

S/S Diana Pappin
Diana Pappin, President

ATTEST: S/S Karen Chasteen
Karen Chasteen, City Clerk